अगर बा काउंसिल इस तरह की पाबंदी लगाती है, तो बार काउंसिल के खिलाफ कोई कार्यवाही हो सके?

†**شری شاہد صدیقی:** یہ ہمارے سنودھان اور لوک تنتر پر بڑا حملہ ہے۔ کیا اس کے لئے سرکار یا ہوم سکریٹری کچھ ایسا پربندھ کر سکتی ہے جس سے کہ ان کو ڈفینس مل سکے اور اگر بار کاؤنسل اس طرح کی پابندی لگاتی ہے، تو بار کاؤنسل کے خلاف کوئی کاروائی ہو سکے؟

श्री शिवराज वी0 पाटिल : कार्यवाही की बात तो अलग है, मगर ऐसे केसेज जरूर आए है और सुप्रीम कोर्ट और हाई कोर्ट ने कहा है कि इस प्रकार की कोई पाबंदी नहीं लगाई जा सकती। अगर किसी व्यक्ति को legal aid नहीं मिल रही है, वकील की मदद नहीं मिल रही है, तो हमारे कानून में प्रावधान है कि हम amicus curiae उसको दे सकते है, सरकार की ओर से उसको मदद दे सकते है और हम आगे बढ़करो यहां तक जा रहे हैं कि जिस वकील को वे लगाना चाहते हैं, उस वकील को देने की जिम्मेदारी सरकार की है।

श्री शाहिद सिद्दिकी: वकीलों को सिक्योरिटी देंगे? वकीलों को सिकोरिटी नहीं मिल रही है।

†**شری شاہد صدیقی:** وکیلوں کو سیکورٹی دیں گے؟ وکیلوں کو سیکورٹی نہیں مل

Labour Courts and Tribunals in States

*224. SHRI BALAVANT *ALIAS* BAL APTE: ††
SHRI SHREEGOPAL VYAS:

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) the number of Labour Courts and Tribunals functioning in the country, as on date, State-wise;

(b) the number of cases pending in each of them;

(c) the efforts being made to expedite these cases;

†[]Transliteration in Urdu Script.
††The question was actually asked on the floor of the House by Shrj Balavant *alias* Bal Apte.

(d)whether there is any proposal to increase the number of labour Courts and Tribunals;

(e)if so, the details thereof; and

(f) the steps being taken to get the awards of the Labour Courts and Tribunals implemented by the employers?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES): (a) to (f) A Statement is laid on the Table of the House.

Statement

(a) and (b) As per the Industrial Disputes Act, 1947, an Appropriate Government can set up Labour Courts and Industrial Tribunals for resolution of industrial disputes. In respect of industrial disputes arising in the Central Sphere, Central Government is the Appropriate Government for setting up the Central Government Industrial Tribunal-cum-Labour Courts (CGIT's). There are 22 CGIT's in different parts of the country. The details of the State Labour Courts are not maintained in the Ministry of Labour and Employment. State-wise break-up and CGIT-wise pendency of cases are indicated in the Statement-I (See below).

(c) to (e) Five new CGIT's have been set up during the Tenth Five Year Plan in addition to the 17 existing CGIT's. These 5 new CGIT's have been set up to expedite the settlement of industrial disputes. Anew Scheme for adjudication of disputes through Lok Adalats has also been introduced during the Tenth Five Year Plan as alternative grievance redressal machinery. CGIT's hold awareness campaigns to inform the litigating parties regarding the efficacy of resolution of industrial disputes through this method. New CGIT's are set up as per the requirement arising on account of industrial disputes and location of the industries.

(f) Whenever non-implementation of awards is reported, a show-cause notice is issued to employers. After expiry of the show-cause notice, if the employer either fails to reply or the reply is not considered sufficient for compliance of the Order of Tribunal, prosecution proposals are sanctioned by Chief Labour Commissioner (Central) and prosecution cases are filed in the Court for breach of Section 29 of the Industrial Disputes Act, 1947.

However, if the employer is a public servant, attracted by the provision of Section 197 or CrPC, the prosecution proposal is referred by the Ministry of Labour and Employment to the employing Ministry for obtaining prosecution sanction.

Statement

CGITs	State	Cases pending upto (12/2006)
(1) Mumbai-l	Maharashtra	205
(2) Mumbai-ll		420
(3) Nagpur .		875
(4) Dhanbad-I	Jharkhand and Bihar	1738
(5) Dhanbad-ll		939
(6) Jabalpur	Madhya Pradesh and Chhatisgarh	1441
(7) Kanpur	Uttar Pradesh and	621
(8) Lucknow	Uttarakhand	384
(9) N.Delhi-l	NCT Delhi	519
(10) N.Delhi-ll		372
(11) Kolkata	West Bengal	202*
(12) Asansol		609
(13) Chandigarti-I	Punjab and Haryana	864
(14) Chandigarh-ll		1003
(15) Jaipur	Rajasthan	149**
(16) Bangalore	Karnataka	308
(17) Ernakulam	Kerala	273
(18) Chennai	Tamil Nadu	576
(19) Hyderabad	Andhra Pradesh	811
(20) Bhubaneswar	Orissa	416***
(21) Guwahati	Assam	35
(22) Ahmedabad	Gujarat	1867**

* The information in respect of the CGIT, Kolkata is upto October, 2006.

** The figures in respect of the CGIT's of Jaipur and Ahmedabad are upto June, 2006.

*** The figure in respect of the CGIT, Bhubaneswar is upto November, 2006.

SHRI BALAVANT *ALIAS* BAL APTE: Sir, as far as the redressed of grievances of the employees is concerned, the answer says that the Government does not keep any record of Labour Courts. But labour relations is very much the responsibility of the Central Government. It should be aware that Labour Courts are being closed; Labour Courts are extended in different places and then withdrawn; and generally, the position of cases in Labour Courts is alarming. As far as the CGITs are concerned, about which the learned Minister says that he has records, five CGITs are added. Then I strangely find a reference to Lok Adalats as alternative dispute redressal machinery. In fact, Labour Courts and Industrial Tribunals are alternatives to the disputes redressal machinery of civil courts. Now, for the alternative redressal. machinery, you are having another alternative redressal machinery. This is something which is very strange. Probably, you are doing this because the International Labour Organisation comes here and gives you grants and, therefore, you hold Lok Adalats even for Labour Courts. It is very strange.

As far as CGITs are concerned, I find that in almost every CGIT there is a vacancy or two. They are not functioning fully. In big cities like Mumbai, judges do not come because they are not getting necessary facilities by which they will be able to occupy their seats. If a judge comes to Mumbai and if he does not get an accommodation, how will he stay there? So, the question is whether these 22 CGITs are having full strength of judges and whether the judges are given adequate facilities for the purposes of occupying their position.

SHRI OSCAR FERNANDES: Sir, the hon. Member has expressed his concern about the speedy delivery of justice to workers. We have had 17 courts. Now, we have raised this number of 22. I appreciate the point raised by the hon. Member regarding the facilities given to the judges. We will definitely go into this matter and see that any facility required will be provided to the courts.

SHRI BALAVANT *ALIAS* BAL APTE: Vacancies.

SHRI OSCAR FERNANDES: I am coming to that. There are five vacancies. We have taken up the matter with the ACC for appointment. As far as the Gujarat court is concerned, there is a vacancy. We have made the Bombay judge in charge of the Gujarat Court. But we are taking all necessary steps to fill the vacancies early.

SHRI BALAVANT *ALIAS* BAL APTE: Sir, in so far as dispute redressal is concerned, casual and *Badli* employees had the recourse to labour courts for purposes of getting relief. But now, after the decision in Uma Devi case by the Supreme Court, even the public sector undertakings which are not governed by Article 309 of the Constitution, are applying that decision of Uma Devi's case; and casual and *Badli* workers who are working for twenty years, are now being thrown out. May I know whether the Government is contemplating to file a review petition on the Supreme Court's decision which is very unjust to the employees? It does not look at the grass-root realities of how employees suffer by working for twenty years and still being treated as temporary and are thrown out because of that. We have the famous case of a Supreme Court Judge who retired as a Supreme Court Judge and then was confirmed as a District Court Judge. Therefore, in such situations, are the *Badli* workers or the casual labourers to be protected by some legislation or are you asking for review of Uma Devi's case?

SHRI OSCAR FERNANDES: Sir, we are going to have a National Labour Conference in the month of April. All matters relating to strengthening of labour laws will be discussed...*(Interruptions)*...

SHRI A. VIJAYARAGHAVAN: Sir, it is related to labour. So, a candid answer is needed. *(Interruptions)*

SHRI OSCAR FERNANDES: Sir, we will go into these matters in detail at the National Conference, and come to a consensus and, then, take necessary legislative action.

श्री श्रीगोपाल व्यासः धन्यवाद महोदय । मैं आपके माध्यम से यह विचार प्रकट करना चाहता हूँ कि ...(व्यवधान)...

श्री सभापति : आप विचार प्रकट मत कीजिए, क्वैश्चन कीजिए।

श्री श्रीगोपाल व्यासः श्रमिकों की स्थिति सारी दुनिया और भारत में समाजवाद और पूँजीवाद, क्या-क्या नामों से हम चालते रहे, उसका परिणाम हैं कि ...(व्यवधान)...

श्री सभापति : आप क्वैश्चन कीजिए। व्यास जी, मेरी बात सुनिए, आप क्वैश्चन कर लीजिए।

श्री श्रीगोपाल व्यास : मैं प्रश्न कर रहा हूँ।

श्री सभापति : नहीं , यह क्वैश्चन नहीं है, आप भाषण दे रहे है।

श्री श्रीगोपाल व्यासः अनेक राज्य है, जिन्होंने उसके प्रकरण की संख्या भी नहीं दी है, जिनमें पश्चिम बंगाल भी सम्मिलित है। महोदय, पहले तो हम लोग पूजा समझ कर समाज का यह काम किया करते थे। आपने जागरूकता अभियान की बात कही है। मैं मान्यवर मंत्री जी से जानना चाहता हूँ कि पिछले तीन वर्षो में कितने जागरूकता अभियान चलाए गए और कितने प्रतिशत प्रकरणों का इसमें निपटारा हुआ है?

श्री ऑस्कर फर्नांडिस : सर, माननीय सदस्य ने वेस्ट बगाल की बात की। कोलकाता और आसनसोल में कोर्ट्स हैं। कोलकाता में 202 केसेज है और आसनसोल में 609 केसेज है। Time to tome हम awarencess compaign करते हैं और workers'training programme के माध्यम से भी हम लोगों को जागृति देने का काम करते हैं।

SHRI V. NARAYANASAMY: Mr. Chairman, Sir, in the list that has been given by the Minister ...*(Interruptions)*... Sir, take strong exception to what he has said.

MR. CHAIRMAN: What did he say?

SHRI V. NARAYANASAMY: Sir, he said, "अन्दर का मामला है" यह कैसे अन्दर का मामला है?

श्री सभापतिः यह किसके अन्दर का मामला है।

SHRI V. NARAYANASAMY: Sir, the Minister should not make any comments. ...*(Interruptions)*...

श्री सभापति : इनको बोलने दीजिए, इनको अन्दर की बात कहने दीजिए।

SHRI V. NARAYANASAMY: Sir, in the list furnished by the hon. Minister for Labour, in Ahmedabad, there are more than 1867 pending cases. Sir, in the District Labour Courts of most States, if the Labour Court Judge is transferred, until and unless, the High Court notifies another Judge, the other Judge cannot take charge there. In that way, in most of the Labour Courts, vacancies are there at the district level. That is one of the major reasons for mounting up of labour cases in labour courts. Will the Minister call a Labour Ministers' Conference, enabling them to expedite the matter so that they can approach the High Court and get the appointment of the. Judge done in the District Labour Courts, as early as possible?

SHRI OSCAR FERNANDES: Sir, I have already taken measures to get information from all the States as to what is the problem faced by the

States in dealing with early disposal of cases. I accept the suggestion of the Member. In the next Labour Ministers' Conference, we will definitely deal with this particular suggestion.

SHRI TAPAN KUMAR SEN: Mr. Chairman, Sir, the hon. Minister has given a list of pending cases. But, it does not mention since how long these cases are pending. I can make an assuring statement that most of these cases are pending for more than 5 years, and many of them are touching 10 years period in respect of their pendency status. In respect of item number (a), the hon. Minister has replied that if the Tribunal award is not implemented, certain steps are taken. Will he consider changing the law, rather, directing the so-called labour reforms, instead of going in for hire and fire rule in ensuring *a* special and differential treatment to the workers which they deserve to compel the employer to implement the judgment of the Tribunal first, and then, go in for further litigation on which they usually consume 20 years' time? ...*(Interruptions)*

MR. CHAIRMAN: Please take your seat. You have already put the question... *(Interruptions)*

SHRI OSCAR FERNANDES: Sir, there are two parts to this question.

MR. CHAIRMAN: You should reply to the first part.

SHRI OSCAR FERNANDES: Yes, Sir. For speedy disposal of the cases, we are doing everything possible to see that the early disposal of the cases is done. But, however, the parties to the dispute, many a time, ask for adjournments. People do not appear in the court when the hearing is there. It is beyond our control. It is a matter well within the purview of the courts. But, however, we will try to do our best to streamline the procedure. ...*(Interruptions)*

SHRI TAPAN KUMAR SEN: Sir. ...*(Interruptions)*

MR. CHAIRMAN: No, no. Mr. Sen, please take your seat.... *(Interruptions)*

- SHRI TAPAN KUMAR SEN: The award of the Tribunal must be implemented, and then, they should be allowed further litigation....*(Interruptions)*... Why is that consensus not implemented?... *(Intenvptions)*

MR. CHAIRMAN: Please cooperate with me.

श्री अवनि रायः सभापति महोदय, सेंट्रल गवर्नमेंट के बहुत सारे डिपार्टमेंट्स लेबर कोर्ट्स के डिसीवन को नहीं मानते है और हाइकोर्ट चले जाते है, हाईकोर्ट से नहीं हुआ तो सुप्रीम कोर्ट चले जाते है और सुप्रीम कोर्ट के ऑर्डर के बाद भी उसका implementation नहीं होता ऐसे बहुत सारे केसेज है। Many departments, including Finance and others, are there. The casual workers are there. They are not doing it. So, my question to the Minister is, whether permission to prosecute the defaulters will be taken and whether action will be taken, at least, in the Government sector, so that they abide by the provisions of the Industrial Disputes Act, or whether they will follow the orders of the High Courts and the Supreme Court.

SHRI OSCAR FERNANDES: Sir, the right to appeal does not only lie with the private industries, the right to appeal lies also with the Government industries or the public sector or whatever it is. But the suggestion is well taken. We will go into that. I am not making any assurance, but we will try to streamline the system.

Reforming land ownership

*225. SHRI SYED AZEEZ PASHA: Will the Minister of RURAL DEVELOPMENT be pleased to state:

(a) whether it is a fact that in many parts of the country, land records are non-existent and much of farming is done by people who have no title deeds and hence are unable to claim compensation when their land is acquired for industrial purposes; and

(b) if so, whether Government have any plan to reform land ownership and tenancy patterns and revamp the land acquisition law?

THE MINISTER OF RURAL DEVELOPMENT (SHRI RAGHUVANSH PRASAD SINGH): (a) and (b) A Statement is laid on the Table of the House.

Statement

(a) Land and its management falls under the exclusive legislative and administrative jurisdiction of the State Governments under the Constitution. Accordingly, survey and settlement operations are carried out by the State Governments from time to time as per the legislative